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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,188

03/10/2004

Charles A. Rosenblatt

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2746

22852

7590

01/24/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/796,188

Applicant(s)

ROSENBLATT, CHARLES A.

Examiner

Ahshik Kim

Art Unit

2876

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed on November 7, 2005. In the  
5 amendment claims 37-39 were newly added. Currently, claims 1-39 remain in the examination.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

10 A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an  
15 international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips et al.  
(US 6,615,189 B1, cited by Applicant, hereinafter “Phillips”).

20 Re claims 1, 13, and 25, Phillips discloses a method (see abstract), system (col. 1, lines 7+) and the apparatus (col. 2, lines 57+) for issuing a purchase card, which can be a given to a recipient designated by the purchaser (see abstract; col. 1, lines 8-10; col. 1, lines 32+). When a card is purchased, information of purchaser and recipients are stored in the database (col. 3, lines 48+), which may be later retrieved. When the purchase is complete, the card may be delivered to  
25 the purchaser or the recipient (col. 4, lines 1-8). Although the apparatus simply refers to computer network, and Internet Web site, in order to ensure that the card is successfully

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purchased, it is inherent that that the website and other network components are equipped with necessary programs.

Re claims 2, 14, and 26, the card can be affiliated with credit network or debit network, or VISA network (col. 4, lines 1-10) wherein the card can be used in any store where Visa card is  
5 accepted.

Re claims 3, 4, 15, 16, 27, and 28, the card can be embodied as a gift card (col. 2, lines 57+) or stored-value card (col. 1, lines 8-10).

Re claims 5, 10, 17, 22, 29, and 34, when the purchaser buys the card, the purchaser can determine monetary amount for the card (col. 1, lines 44-46). The purchaser's account is charged  
10 if the purchaser buys with credit account.

Re claims 6, 7, 18, 19, 30, and 31, purchased card account can be converted to a credit account for the recipient (col. 2, lines 30-38). It appears that the framework for such conversion is made when the purchaser initially purchases the card just in case the recipient wants to convert the account.

15 Re claims 8, 11, 20, 23, 32, 35, and 37-39, the time and place for a delivery of the card can be arranged by the purchaser (col. 4, lines 1-9). Since the product (purchase card) has the expiration date (col. 3, lines 58-67), the delivery date should have enough time till the card expiration date. If multiple cards are purchased, delivery date for each card can individually set.

Re claims 9, 21, and 33, the card can be purchased with purchaser's credit card (col. 3,  
20 lines 25-35).

Re claims 12, 24, and 36, the recipient's personal information such as name, address, phone number, etc. are kept in order to deliver the card correctly (col. 3, lines 58-67).

***Response to Arguments***

4. Applicant's amended claims and remarks filed on November 7, 2005 have been carefully reviewed and considered.

5 Applicant essentially argues that Phillips does not disclose "a method that comprises  
"receiving financial card distribution information from a consumer, wherein the financial card  
distribution information identifies at least one recipient for a financial card and a predetermined  
delivery time for providing the financial card to the recipient; ... and preparing a communication  
to the recipient to provide the financial card to the recipient at the predetermined time," as  
10 recited in claim 1. It is the Examiner's view that the features mentioned by the Applicant are  
disclosed in Phillips.

Applicant further states, "Phillips merely discloses issuing a purchase card to a purchaser  
or recipient to a place of delivery sometime before the delivery." (See amendment page 10) It is  
the Examiner's view that the phrase mentioned by the Applicant is virtually what is recited in  
15 claim 1 of the instant application. The card can be purchased for the purchaser or for the  
designated individual (col. 1, lines 6-10). The card obviously had a financial value associated  
with it for the designated person to use, and the card is delivered at a suitable time and place (col.  
4, lines 1-8).

The amended claims and remarks describing these elements have been fully considered,  
20 but they are not persuasive, and therefore, the Examiner has made this Office Action final.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5       A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
10   CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahshik Kim whose telephone number is (571)272-2393. The  
15   examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday. The fax number directly to the Examiner is (571)273-2393.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (703)872-9306.

20       Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that  
25   sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding  
30   should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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A handwritten signature in black ink, appearing to be 'AK' with a long horizontal stroke extending to the right.

Ahshik Kim  
Primary Examiner  
Art Unit 2876  
January 11, 2006